Call to Order
Mayor Wayne Jett called the regular meeting scheduled for February 4, 2019 of the McHenry City Council to order at 7:00 pm in the McHenry City Council Chambers, 333 S. Green Street, McHenry, IL.

Roll Call

Pledge of Allegiance
Mayor Jett proceeded to lead those present in the Pledge of Allegiance.

Public Hearing: Public Hearing on Heritage Pointe Estates LLC request to amend the Annexation Agreement Relative to Patriot Estates.

Mayor Jett open the public hearing at 7:03 p.m. He asked those in attendance if they had any questions or comments with respect to the matter under consideration. Those in attendance offered no comments at this time.

Mayor Jett stated that he would entertain a motion to close the public hearing portion of the meeting. A Motion was made by Alderman Schaefer and seconded by Alderman Santi to close the public hearing. Roll call: Vote: 7-ayes: Alderman Schaefer, Alderman Santi, Alderman Glab, Alderman Curry, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to adopt an Ordinance Authorizing the Execution of the 5th Amendment to the Existing Annexation Agreement with Heritage Pointe Estates LLC for the Patriot Estates Subdivision, Subject to Receipt of Required Bonds or Letter of Credit.

Attorney McArdle suggested prior to Council making a motion to approve the 5th amendment to the annexation agreement with Heritage Pointe Estates LLC commonly referred to as Patriot Estates they should conduct an open dialogue with Brian and John Cunat the developers and record titleholders of the property in question.
Attorney McArdle highlighted the amendments to the annexation agreement. He reported that paragraph 4 of the Second Amendment approved a Concept Plan, a copy of which is attached and identified as Exhibit “B”. Cunat Brothers are requesting to amend the approved Concept Plan by eliminating certain obligations with respect to various amenities.

Alderman Glab expressed his concerns with amending the annexation agreement without any input from the property owners. Alderman Glab continued on to discuss the provisions in the CCR’s. Mr. Cunat reported that Heritage Pointe Estates LLC still controls the HOA and has not conveyed any of the common areas. However, they have met with a majority of the homeowners and they are in favor of eliminating the walking paths and other amenities. Alderman Glab asked Attorney McArdle if the exclusion of the homeowners input regarding this matter posed any legal liability. Attorney McArdle replied no.

Aldermanwoman Condon also questioned the notification process. Mr. Cunat reported he had noticed the public hearing in the newspaper of general circulation as provided by law. In addition, they had conducted several meetings with the homeowners informing them of the possible elimination of some of the original amenities and the residents supported the annexation amendments. Aldermanwoman Condon continued on to comment that in her opinion the original concept plan depicted amenities that provided unique features to the subdivision. Mr. Cunat agreed, however the features eventually would increase the HOA maintenance cost and impact the residents’ dues.

Ms. Beverly Riordan a resident in Patriot Estates approached the podium. She stated she was unclear on what the amendments in question were and was unaware of any neighborhood meetings.

Attorney McArdle reported that the proposed annexation agreement amendment included elimination of certain proposed walking paths which are depicted and highlighted in yellow on Exhibit “C”. In addition, the amendments also includes the elimination of the trellis swing, bridge crossing, bocce ball court, rose/perennial garden, outdoor fire pit and a putting/chipping practice green, the only remaining amenity obligation was the gazebo which has been constructed.

Attorney McArdle continued on to discuss the portion of the annexation agreement amendment regarding the acceptance of certain public improvements as noted in Exhibit “D” the Bill of Sale. Alderman Curry asked if Staff had inspected the public improvements noted in the Bill of Sale. Director Schmitt replied yes and all the punch list items had been completed. There was some discussion on a portion of the language contain in the Bill of Sale. Attorney McArdle will revised the Bill of Sale language for clarification purposes.
Resident Jim Witt approached the podium. He commented on the fact that his neighbors support the annexation amendments as presented. Mr. Witt continued on to express his frustration with ComEd and the Developers for the lack of electricity to power the subdivision’s street lights. Mr. Cunat along with Director Schmitt will coordinate a conference call with a ComEd representative to resolve this matter as quickly as possible.

There being no further discussion on this matter, a Motion was made by Alderwoman Condon and seconded by Alderman Glab to adopt an Ordinance Authorizing the Execution of the 5th Amendment to the Existing Annexation Agreement with Heritage Pointe Estates LLC for the Patriot Estates Subdivision, Subject to Receipt of Required Bonds or Letter of Credits. Roll call: Vote: 7-ayes: Alderwoman Condon, Alderman Glab, Alderman Santi, Alderman Curry, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Mayor Jett. 0-nays, 0-abstained. Motion carried.

Proclamation: Declaring February as National Children’s Dental Health Month in the City of McHenry.
Mayor Jett declared February as National Children’s Dental Health Month in the City of McHenry.

Public Comment
Mayor Jett asked those in attendance if they had any comments they wished to share with the Council Members. Those in attendance offered no comments.

Consent Agenda:
Motion to Approve the Following Consent Agenda Items:
A. Ordinance authorizing the Mayor’s execution of an Intergovernmental Agreement for dispatch services provided by the City of McHenry Dispatch Center (NERCOM) to the Village of Union Police Department;
B. Ordinance authorizing the Mayor’s execution of an Intergovernmental Agreement for dispatch services provided by the City of McHenry Dispatch Center (NERCOM) to the City of Marengo Police Department;
C. Approval of a Request to Advertise for Municipal Center RTU Rooftop Replacement;
D. Bid Award to Woodward Printing Services in the amount of $25,929.00, for 2019 Parks and Recreation Brochure & City Newsletter printing services;
E. Approval of a Resolution permitting repair work in the State Right-of-Ways;
F. Parks Facilities/Special Use Permits;
G. January 21, 2019 Council meeting minutes;
H. Issuance of Checks in the amount of $163,480.16.

Mayor Jett asked the Council Members if there were any items listed on the consent agenda they wished to remove for separate consideration. The Council Members offered no comments. There being no further discussion on the motion, a Motion was made by Alderman Curry and seconded
by Alderman Santi to approve the consent agenda items A-H as presented. Roll call: Vote: 7-ayes: Alderman Curry, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Individual Action Item Agenda.
Motion to approve a Resolution establishing a Honorary Street Dedication at the intersection of Ringwood Road and Illinois Route 120 as Jerry Eiserman Way as recommended by the Public Works Committee.
Mayor Jett asked the Council Members if they had any comments on the matter under consideration. Alderwoman Condon noted that Mr. Eiserman has been very influential and has made a positive impact on the community for many years. In her opinion, Mr. Eiserman exemplifies the true meaning of the intention of the Honorary Street Sign recognition. Alderman Schaefer and Alderman Santi echoed Alderwoman Condon's extreme appreciation for Mr. Eiserman's volunteerism and community involvement.

Mayor Jett asked those in attendance if they had any comments on the matter under consideration. Those in attendance offered no comments. There being no further discussion on the motion, a Motion was made by Alderman Mihevc and seconded by Alderwoman Condon to approve a Resolution establishing a Honorary Street Dedication at the intersection of Ringwood Road and Illinois Route 120 as Jerry Eiserman Way as recommended by the Public Works Committee. Roll call: Vote: 7-ayes: Alderman Mihevc, Alderwoman Condon, Alderman Devine, Alderman Curry, Alderman Schaefer, Alderman Glab and Alderman Santi. 0-nays, 0-abstained. Motion carried.

Motion to discuss and possible action on waiving part or all of capital development ($4,200) and sewer connection fees ($250) related to property on Rt. 120 owned by Jeff Kleinhaus.
Attorney McArdle discussed a recent development with respect to the East Route 120 water/sanitary improvements. He reported that last fall the City had extended the water/sewer to serve Jessup and Auto Villa and had waived certain connections fees. Mr. Kleinhaus now is required to abandon his septic system and hook-up to the City's water system. He is looking for relief from part or all of the capital development fees and the sewer connection fees.

Alderman Curry reported that if the City has in the past provided relief to some of the property owners located in the East Route 120 corridor that in his opinion the City should be consistent and provide Mr. Kleinhaus the same relief. Alderwoman Condon agreed.

Mayor Jett asked those in attendance if they had any comments on the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Curry to approve waiving part or all of the capital development fees and sewer connection fees related to property on Rt. 120 owned by Jeff Kleinhaus. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Curry, Alderman Glab, Alderman Schaefer, Alderman
Mihcvc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Motion to approve an Ordinance authorizing the City of McHenry to borrow $305,500 from McHenry Savings Bank to finance the purchase of the property (Green Street parking lots) from McHenry Savings Bank.

Attorney Mc Ardle reported that the City Council had already authorized the purchase of the Green Street parking lots and the finance agreement. However, McHenry Savings is requesting an Ordinance memorializing the loan agreement.

Mayor Jett asked if those in attendance had any comments on the matter under consideration. Those in attendance offered no comments.

There being no further discussion on the motion, a Motion was made by Alderman Santi and seconded by Alderman Schaefer to approve an Ordinance authorizing the City of McHenry to borrow $305,500 from McHenry Savings Bank to finance the purchase of the property (Green Street parking lots) from McHenry Savings Bank. Roll call: Vote: 7-ayes: Alderman Santi, Alderman Schaefer, Alderman Glab, Alderman Curry, Alderman Mihevc, Alderman Devine and Alderwoman Condon. 0-nays, 0-abstained. Motion carried.

Discussion Only Items.
City of McHenry Request for Proposals and Qualifications for the Redevelopment of the Central Wastewater Treatment Plant Site – 3302 Waukegan Road.

Administrator Morefield provided the Council Members with an overview of the draft Request for Proposals and Qualifications for the redevelopment of the Central Wastewater Treatment Plant site. He reported that Staff is looking for the City Council’s input on the draft proposal. He noted that the scope of the redevelopment is vague in order to stimulate creative, market-based development proposals.

There was some discussion regarding the submittal timeline. The Council Members concurred that 90 days may limit the number of qualified responses. The Council Members directed Staff to adjust the timeline to allow for 120 days to receive qualified responses after posting notice. Staff thanked the Council Members for their input.

Executive Session
There were no matters to discuss in an executive session.

Staff Reports
The Staff Members offered no reports.

Mayor and City Council Comments
Alderwoman Condon formally requested that the City Attorney and Staff research and recommend a municipal code amendment regarding City Council Members gender and titles.
There was some discussion regarding Alderwoman Condon’s request. Attorney Mc Ardle will research this matter and report back.

Adjournment
There being no further public business to discuss, a Motion was made by Alderman Curry and seconded by Alderman Santi to adjourn from the public meeting at 8:08 p.m. Roll call: Vote: 7-a yes: Alderman Curry, Alderman Santi, Alderman Glab, Alderman Schaefer, Alderman Mihevc, Alderman Devine and Alder woman Condon.

Respectfully submitted,

Debra Meadows

Mayor

Deputy Clerk

Debra Meadows